

Docket No.: ROHS-12/11  
Serial No.: 10/738,458

### REMARKS

Record is made of a telephone interview between applicant's representative and the Examiner which took place on December 12, 2005 in which applicant discussed the Examiner's comments in the Advisory Action of November 3, 2005. In the Advisory Action, the Examiner accepted and entered the Substitute Specification submitted by applicant. In the Advisory Action, the Examiner further stated that the Amendment After Final filed on October 19, did not place the application in condition for allowance. Applicant informed the Examiner that a further Amendment After Final will be forthcoming in which claim 23 will be cancelled and the Examiner's comments regarding applicant's prior submission be addressed and corrected.

#### Rejections

The Examiner has rejected the claims under 35 U.S.C. § 112, first paragraph on the ground that the claims are not supported by the description as filed. Applicant disagrees with the Examiner. All subject matter contained in the currently submitted claims are believed supported by the description and are discussed in the order in which they appear in the Official Action.

With respect to claim 1 as set forth in 7a, the Examiner is directed to paragraphs [0041] and [0044] to [0046] of the specification in which the limitation "a restoring force which increases with the increase in the relative rotation of the

Docket No.: ROHS-12/11  
Serial No.: 10/738,458

first and second assemblies" is laid out in detail. This description supports the limitation in claim 1.

With respect to claim 7 as set forth in 7b, the Examiner is directed to page 10 of the description as well as paragraphs [0026] which supports the limitation "in the second phase [the thrust piston] is radially tilted. To call it the "idle position" or a "first phase" is synonymous and reads clearly from the description. Likewise, the "displacement position" or the "second phase" are synonymous and is likewise clear from the text of the description. It is noted that there is no requirement that claimed subject matter be described "in haec verba". See, *University of Rochester v. G.D. Searle & Co.* (citing *In re DiLeone*, 436 F2d 1404, 1405. 168 U.S.P.Q. 592, (CCPA 1971)).

With respect to claim 8 as set forth in 7c, the Examiner is directed to paragraphs [0018], [0020], [0021] and [0024] in which the limitation "a recess for mutual engagement [of the two thrust pistons]... at a particular relative angle between the two subassemblies" is supported. In paragraph [0052], the recess 41 is also discussed. In addition, Figure 5 clearly shows recess 41 in piston 30.

With respect to 7d, applicant has cancelled claims 14 and 16 so that the rejection thereof is now moot.

With respect to claim 24 as set forth in 7e, the Examiner is directed to Figure 8 where the radial tilting of the left hand piston is shown. In addition, the Examiner is directed to page 10 and paragraph [0026] of the description where the radial tilt is discussed.

Docket No.: ROHS-12/11  
Serial No.: 10/738,458

Furthermore, the Examiner has rejected claims 6, 7, 9-11 and 23 under 35 U.S.C. § 112, second paragraph on the ground that they are indefinite.

With respect to claim 6 as set forth in paragraph 8a, claim 6 has been amended to change the dependency to claim 5 which recites "a guide surface", thereby making the expression in claim 9 definite.

With respect to claim 7, as set forth in 8b, the limitation "the first position" has been changed to "its first position".

Claim 8 has been amended to clarify that each piston has a recess. This amendment does not change the scope of the claim and is merely cosmetic in nature.

With respect to claim 9 as set forth in 8c, the limitation "the respective recess of each thrust piston" has antecedent basis because the recess of each thrust piston is recited in claim 8. Also, the phrase "said spring element engaging the respective recess" has been deleted, since it is redundant.

Claim 23 has been cancelled.

With respect to the Examiner's commentary in the last Office Action ("Response to Arguments") on applicant's prior submission, applicant reiterates that the translation of movement of the first subassembly into the movement of the piston is amply supported throughout the specification (see also [0012]) and has been amply discussed and demonstrated. That the difference, or maybe more correctly, the differential, in the movement of the first subassembly relative to the piston produces a translation was also established during the interview in the Examiner's offices. The first subassembly in frictional engagement with the piston

Docket No.: ROHS-12/11  
Serial No.: 10/738,458

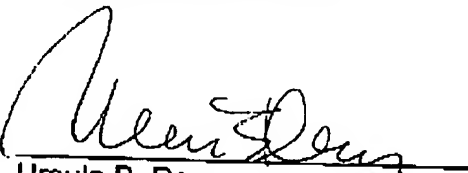
due to their interacting surfaces acts upon the piston during a certain rotational motion of the first subassembly such that the movement of the first subassembly is translated (or transmitted) to the piston which is being slowly "pushed" [away from the stop] by the frictional force of the first subassembly in the same direction as the first subassembly. Due to a spring element associated with the piston, the piston acts against the first subassembly with a restoring force.

In view of the above amendments, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

The Commissioner is hereby authorized to charge fees which may be required, or credit any overpayment to Deposit Account No. 06-0502.

Respectfully submitted,

By

  
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